



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Berry, et al.

Serial No. 10/691,256

Filed: October 22, 2003

For: VERTEBRAL BODY REPLACEMENT
IMPLANT

§ Attorney Docket No. 31132.118 / PC861.00
§
§ Customer No. 27683
§
§ Group Art Unit: 3730
§
§ Examiner: Stewart, Alvin J.
§
§

SECOND INFORMATION DISCLOSURE STATEMENT

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 CFR §1.56, and in accordance with the practice under 37 CFR §1.97 and §1.98, the Examiner's attention is directed to the documents listed on the enclosed modified Form PTO-1449. No inference should be made that the cited references are in fact material, are in fact prior art, or that no better art exists. The cited patents are listed in numerical order and are not in any order based on their pertinence.

The above-identified application was filed after June 30, 2003. Therefore, pursuant to the waiver of the requirement under 37 CFR 1.98 (a)(2)(i) as stated in a Pre-OG Notice dated July 11, 2003, copies of only the foreign patent documents and non-patent literature listed on the enclosed modified Form PTO-1449 are attached.

The undersigned first became aware of the cited patents by their inclusion in an International Search Report issued by the ISA/EP on June 3, 2005, the PCT counterpart of the present application. A copy of the search report is enclosed.

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Deposit Account 08-1394.

It is respectfully requested that the above information be considered by the Examiner and that a copy of the enclosed Form PTO-1449 be returned indicating that such information has been considered.

Respectfully submitted,


Julie M. Nickols
Registration No. 50,826

Date: September 2, 2005
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Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 2, 2005.

Gayle Conner

In place of PTO-1449 Form				U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	
				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Application Number	10/691,256
				Filing Date	October 22, 2003
				Applicant(s)	Berry, et al.
				Art Unit	3738
				Examiner Name	Stewart, Alvin J.
				Attorney Docket Number	31132.118 / PC861.00
SHEET	1	OF	1		

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OTHER PRIOR ART		
Examiner's Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article, title of the item, date, page(s), volume-issue number(s), publisher, city/country where published
		ISA/EP International Search Report for PCT/US2004/034333; June 3, 2005

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.